IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 24194 of 2004

Between:

Gatreddi Ramana S/o.Somunaidu, Hindu, Agriculturist
Dondapudi Village, Ravikamatham (M),
Visakhapatnam Dist.

..... PETITIONER

AND

1 The Chief Secretary, General Administration (Law&Order-II) Dept.,

Govt of A.P.,
2 The Dist Collector &Magistrate, Visakhapatnam.
3 The Superintendent, Central Prison,Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of Mandamus declaring the proceedings in G.O.Rt.No.6116 dt 28-10-2004 of the 1st respondent according the approval of the proceedings of the 2nd respondent in Rc.No.1609/2004/D3, dt 18-10-2004 detaining the wife of the petitioner Mrs.Gatreddi Ramulamma alias Bondalamma in the central prison, Visakhapatnam under sub-section 3 of Section 3 of A.P.Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug-Offenders, Goondas, immoral Traffic offenders and Land Grabbers Act of 1986, as being illegal, unjust, arbitrary, contrary to the provisions of Act 1 of 1986 and violative of Articles 14 and 22 of the Constitution of India, and pass such other order or orders.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents: The Advocate General

The Court at the admission stage made the following :

-

-

ORDER: (per Sri BN.J)

The detention of the detenu viz., Gatreddi Ramulamma @ Bondalamma has been challenged by way of this writ petition. By an order of the Collector dated 18.10.2004, the detenu has been detained in terms of Section 3(1) and (2) read with Section 2(a) and (b) of the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbes Act, 1986 (for short 'the Act'). Various grounds have been taken to challenge the order of detention. One of the ground is that an occurrence dated 24.11.2001 has been taken into consideration as relevant material by the detaining authority while ordering the detention.

Learned counsel for the petitioner relied on a judgment of the Supreme Court reported in COLLECTOR AND DISTRICT MAGISTRATE, W.G.DISTRICT, A.P. Vs. SANGALA KONDAMMA, wherein it has been held that there should not be an unusual gap between two occurrences which had taken into consideration as grounds for detention. The first crime which has been taken into consideration as ground No.1 is crime No.92/01 registered on 24.11.2001 and the second incident to which a reference has been made is crime No.232/03-04 dated 20.2.2004. In between these two incidents, there is a gap of more than two years. Therefore, a stale ground has been taken into consideration by the Collector while arriving at a subjective satisfaction. Since the grounds are not separable under the Act the detention cannot be sustained.

In these circumstances we do not intend to deal with the other grounds and quash the order of detention while allowing this writ petition. The detenu be released

forthwith, if not needed in any other case.

The writ petition is accordingly allowed.

(BILAL NAZKI,J)

dated 19.01.2005

(G.YETHIRAJULU,J)

msv

To

1 The Chief Secretary, General Administration (Law&Order-II) Dept.,

Govt of A.P.,
2 The Dist Collector &Magistrate, Visakhapatnam.
3 The Superintendent, Central Prison,Visakhapatnam.

4 2 CCs to the Advocate General, High Court of A.P Hyderabad.

5. 2 CD copies.